IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7141 of 2001

Between:

K.Suryapratap Reddy S/o.K.Rami Reddy
r/o.Thimmamanipalle Village presently residing at Tadpatri, Anantapur District

..... PETITIONER

AND

1. Government of Andhra Pradesh, Panchayat Raj and Rural Development (Pts-III), Dept, Secretariat, Hyderabad Rep. by its Secretary to Government.

2 The District Collector, Anantapur.
3 The District Panchayat Officer, Anantapur

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 1st respondent passed in G.O.Rt.No.337 dated 23-3-2001 as illegal, arbitrary and violative of Article 21 of the Constitution of India.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents.: The Advocate General

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petition was filed as Public Interest Litigation questioning the legality of G.O.Rt.No.357 Panchayat Raj & Rural Development (PTS.III) Department dated 22-3-2001. The petitioner, on the date of filing of this petition, is a Member of the Legislative Assembly from Dharmavaram Assembly Constituency. It is stated in the affidavit filed in support of the petition that there is a great scarcity of water in Anantapur District since the District is facing continuous drought year after year and that Government has taken initiative and measures for preservation of water level in the sub soil and construction of various check dams at different places in the District. The petitioner thereafter makes mention to the District Level Committee comprising members of the Legislative Assembly in the District headed by the incharge minister of the District with role of such committees.

In G.O.Rt.No.357 dated 22nd March, 2001, which is impugned in this petition, it is stated that sand is being conveyed from Pennar River bed near Tadipatri for construction of Owk Reservoir complex funded by World Bank and the conveyance of substantial quantity of sand from Pennar River bed was likely to affect the flow in the river and that even the District Development Review Committee, Anantapur has passed resolution to that effect. But since work of construction of Owk reservoir complex was getting hampered for want of sand, a suggestion was made to permit lifting and conveying of sand from Aluru Gram panchayat limits from Pennar River bed and a team of officers was deputed who suggested the conveying of sand from Aluru limits and accordingly it was decided to convey sand from Aluru and sand was being lifted.

According to the petitioner, the removal of sand from Aluru would result in depletion of water in sub soil and the villagers of Aluru and nearby villages would be deprived of the drinking water and water for agriculture. The petitioner also alleges indiscriminate quarrying of sand by the contractors. Thus petitioner alleged violation of various provisions of law.

On 19-4-2001 while issuing Rule nisi, interim order was issued by this court prohibiting fresh leases to be issued or renewed. However, discretion was left with the District Collector to exercise it in accordance with law.

After filing of the writ petition, the Additional Secretary to Government, Panchayat Raj and Rural Development Department filed affidavit in reply making mention to various safeguards as indicated in the impugned G.O. They read as under:

> "The Collector, Anantapur was advised to examine the feasibility of construction of check dams for improving the water percolation in view of sand analysis and also to monitor the sand quarrying to ensure that the depth of the excavation of sand is restricted to bed level and no sand is lifted within a distance of 100 mtrs from the water sources of the schemes. In addition thereto, the River Conservator under the River Conservancy Act has also been instructed to monitor sand quarrying operation and ensure that sand quarrying is restricted to above river bed level and limiting quarrying only to sand bars."

In view of the affidavit in reply, when various directions were issued from time to time to take care of the river conservancy and steps have been taken by the respondents to ensure due compliance of various safeguards, no further direction needs to be issued in this regard.

Accordingly, we are not inclined to issue any further direction in this petition and we would close it reserving liberty to the petitioner to file fresh petition in case he finds that there is any violation to the provisions of the law by the respondents in permitting sand quarrying contrary to the stand taken by the respondents in their reply. Ordered accordingly.

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DEVINDER GUPTA, CJ

16-8-2004

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C.V.RAMULU, J

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To

1. The Secretary to Government, Government of Andhra Pradesh, Panchayat Raj and Rural Development (Pts-III), Dept, Secretariat, Hyderabad.

2 The District Collector, Anantapur.
3 The District Panchayat Officer, Anantapur

4. 2 CCs to the Advocate General, High Court Buildings, Hyderabad

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